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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,323	11/20/2003	Troy M. Hemdon	1229.005	3071

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EXAMINER

EVANS, JEFFERSON A

ART UNIT PAPER NUMBER

2652

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Claims 1 to 23 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9-14, and 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Le et al (U.S. 2004/0184688). Note figures 3 and 5. Le discloses a spindle motor, for incorporation into a disk drive, comprising: a rotatable component 280 defining a journal gap 310,326 and relatively rotatable with a stationary component 275; a recirculation path 286 through one of the stationary component and the rotatable component for recirculating fluid through the journal gap; a first thrust surface 330 with pumping grooves extending substantially radially, formed on one of the stationary component and the rotatable component, and formed between the recirculation path and the journal gap; and a capillary seal 316 adjacent the recirculation path. One of the stationary component 275 and rotatable component 280 will have symmetrical grooves 244 and asymmetric grooves 240. Air is purged from the fluid (see paragraph 0055 for example). Le includes a stator 270 for interacting with a rotor magnet 265.

3. Claims 1, 6-9, 13-16, and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Aiello et al (U.S. 2004/0218841). Note figures 2, 3A, and 3B. Aiello

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discloses a spindle motor, for incorporation into a disk drive, comprising: a rotatable component 322 defining a journal gap 320 (which can be considered to extend to the sides of the thrust plate 301) and relatively rotatable with a stationary component 312; a recirculation path 380 through one of the stationary component and the rotatable component for recirculating fluid through the journal gap; a first thrust surface 304 with pumping grooves extending substantially radially, formed on one of the stationary component and the rotatable component, and formed between the recirculation path and the journal gap; and a capillary seal 306 adjacent the recirculation path. One of the stationary component 275 and rotatable component 280 will have grooves 244 but Le does appear to say whether they are symmetric and/or asymmetric. Air is purged from the fluid in that air bubbles are trapped at the meniscus (see paragraph 0029 for example). Aiello includes a stator 106 for interacting with a rotor magnet 104, and discloses a second thrust surface 306 facing the same direction as the first thrust surface.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferson A. Evans whose telephone number is 571-272-7574. The examiner can normally be reached on Monday to Friday, 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JAE
March 2, 2006

Jefferson A. Evans
Primary Examiner
Art Unit 2652

**JEFFERSON EVANS
PRIMARY EXAMINER**